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In re Application of
Hans-Jorg Nussbaumer, et al.
Application No. 08/629,974
Filed: 9 April, 1996
Attorney Docket No. 2821-162

SPECIAL PROGRAMS OFFICE
ON PETITIONS

This is a decision on the petition filed herein 20 December, 1999, under 37 C.F.R. §1.137(b),¹ to revive the above-identified application. The Office regrets the delay in addressing this matter

The petition is **GRANTED**.

Petitioner failed to respond timely and properly to the non-final Office action mailed 13 May, 1999, on or before 13 August, 1999. This application went abandoned (without extension of time) at midnight 13 August, 1999. The Notice of Abandonment was mailed 22 December, 1999, after the instant petition was filed.

This application is being forwarded to Technology Center 1700 for consideration of the amendment filed contemporaneously with the petition.

Telephone inquiries concerning this matter may be directed to Petitions Attorney John J. Gillon, Jr., at (703) 305-9199.

John J. Gillon, Jr.
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Office of Petitions
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects

¹ Effective December 1, 1997, the provisions of 37 C.F.R. 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 C.F.R. 1.137(b). A grantable petition filed under the provisions of 37 C.F.R. §1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 C.F.R. 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee set forth in 37 C.F.R. 1.20(d)) required pursuant to 37 C.F.R. 1.137(c).